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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,680	02/25/2002	Donald Verna	PMP-204-A	3041

7590 03/21/2005

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EXAMINER
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VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p><b>Office Action Summary</b></p>	<b>Application No.</b> 10/082,680	<b>Applicant(s)</b> VERNA, DONALD	
	<b>Examiner</b> Frank Vanaman	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-10, 12-23 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 12-18, 20-23 and 25-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/27/04</u> | 6) <input type="checkbox"/> Other: _____  |

### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 27, 2004 has been entered.

### **Status of Application**

2. Claims 1-4, 8-10, 12-23 and 25-37 are currently pending, claims 25-37 having been added by the most recent amendment.

### **Claim Rejections - 35 USC § 103**

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3, 17, 28, 36 and 37 are rejected under 35 USC 103(a) as being unpatentable over Lutz (DE 38 15 990, cited previously) in view of Chang (US 5,299,817). Lutz teaches a dolly made from four assembled corner members (2) interconnected by a tubular frame (3/4) which may receive a member having a rectangular shape, the corner members including upper (6) and lower (5) members fastened to one another with threaded fasteners (col. 2, lines 31-36) and provided with recesses so that the fastener heads are below the top surface of the upper member. Each upper and lower member has an inner hollow portion, the upper member may be provided with a pair of walls (8) which extend along the edges of the member, traversing the width continuously to and from respective ends, and thus including a center portion of the member in both lateral and longitudinal direction, to the breadth claimed, wherein a respective stacking members may be positioned proximate each orthogonal section of the upstanding wall portion; the upper member also being optionally provided with a rectangular groove (10) having ramped portions and a lowermost portion (at the enter thereof), the outer lower surface of the lower member including a mounting location for the top portion of a caster (figures 2, 4, 5-- figures 4 and 5 illustrating an edge of the caster mounting plate), upper and lower members having a plurality of access apertures

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into which the tubular frame members are inserted, including both (a) through-channels (e.g., those channels with open ends shown at the right side of the embodiment illustrated in figure 1, each having two access openings), and (b) further access openings which include blind channels (e.g., those channels of the front-most blocks which face rearwardly, or those channels of the rear-most blocks that face forwardly). Lutz fails to teach that the plural access apertures open to a common channel, wherein the access openings include projections therein for limiting travel of the tubular members. Chang teaches a corner construction for a dolly wherein each corner member (10) includes plural access openings (at the ends of 11, 12) which extend into intersecting channel portions, forming a common channel, and wherein each opening includes a projecting element (40) which interacts with a tubular member (20) to limit its movement into the opening. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide communication between the channels taught by Lutz, as taught by Chang, for the purpose of reducing the quantity of material needed to make the corner element and for reducing its weight. Further it would have been obvious to one of ordinary skill in the art at the time of the invention to use the projection elements taught by Chang in each of the channels to engage the tubular members for the purpose of preventing unintentional disassembly of the cart when in use. As regards claim 3, the reference to Lutz fails to specifically teach an embodiment including both a groove and upstanding wall portions. In view of Lutz teaching both these embodiments (see figures 4 and 5), however, it would not be deemed to be beyond the skill of the ordinary practitioner to construct a corner portion having both features, for example, for the purpose of insuring multifunctional use from a single cart.

5. Claims 4, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz in view of Chang and Liu (US 5,695,205). The reference of Lutz is discussed above and fails to teach the caster wheel as comprising a yoke, and a center post, wherein the center post is disposed in an aperture in the lower face of the lower corner member, the aperture extending into an internal dowel. Liu teaches a plastic wheeled carrier including casters (40) having a yoke portion and an upstanding post (not

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separately referenced), wherein the caster post is inserted into an aperture (in element 30, see figure 5 proximate numerals 301, 302), the aperture being provided with an internal dowel. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a caster with an upstanding post, and a receiving aperture with internal dowel as taught by Liu to the corner members taught by Lutz for the purpose of allowing lower cost casters to be easily and quickly inserted and removed on the dolly of Lutz, facilitating construction with commonly available elements, and facilitating a faster assembly.

6. Claims 10, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz in view of Chang, Liu, and further in view of Roby et al. (US 4,077,644).

7. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz in view of Chang and Roby et al.

8. As regards claims 10, 15, 16 and 18, the reference of Lutz as modified by Liu fails to specifically teach the fastener apertures as including internal dowel elements. As regards claims 12-14 the reference of Lutz fails to specifically teach the provision of reinforcing dowels which receive the fasteners.

9. Roby et al. teach a plastic cart construction wherein portions which are generally otherwise hollow are fastened together by a threaded fastener or bolt (36) which extends through an aperture in a dowel portion (see 35, 34 in figure 5, and 30 in figure 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide reinforcing dowels as taught by Roby and hollow out a further interior portion of the corner members of the dolly of Lutz (claims 12, 13) or of the corner members of the dolly of Lutz as modified by Liu (claim 10), for the purpose of providing a support which adequately accommodates the threaded fastener (e.g., Roby et al.'s element 36), while allowing the remainder of the structure to be substantially hollow, thus retaining strength while reducing weight, resulting in an advantageously lighter cart. As further regards claim 16, the reference of Lutz as modified by Liu and

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Roby et al. fails to teach that the groove (10) has an 'L' shape. To adjust the shape of an engaging element for the purpose of engaging a particular mating element or portion is old and well known, and as such it would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the shape of the groove (10) taught by Lutz to be an 'L' shape, for example so as to provide a resting groove for an L-shaped corner flange on the bottom of an element to be received in the cart.

10. Claims 20-23, 25, 26, and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz (cited above) in view of Wright (US 1,778,654, cited by applicant). The reference to Lutz is discussed in detail above, and fails to teach each passage as including a stop member which extends into the respective passage for obstructing movement of the tubular members. Wright teaches a connection arrangement wherein corner block elements (*I*) are provided with access openings for receiving tubular members (*H*), and wherein the openings are provided with stop members (*h'*) which limit the travel of the tubular members. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the access openings of the blocks of the dolly taught by Lutz with stop members as taught by Wright, for the purpose of preventing unintentional disassembly of the cart when in use.

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz in view of Wright and Chang. The reference to Lutz as modified by Wright fails to teach that the first and second channels or passages intersect. Chang teaches a corner construction for a dolly wherein each corner member (10) includes access openings which connect to plural intersecting passages (11, 12) forming a common channel. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide communication between the channels taught by Chang to the dolly block elements of Lutz as modified by Wright, for the purpose of reducing the quantity of material needed to make the corner element and for reducing its weight.

#### **Allowable Subject Matter**

12. Claim 19 is allowed

**Response to Comments**

13. Applicant's comments, filed with the amendment, have been carefully considered. As regards the reference to Lutz as being anticipatory to the claimed invention, the examiner agrees that the claims as currently written are not anticipated by the reference to Lutz. Note the references to Chang and Wright, cited previously and now applied. As regards applicant's comments directed to claim 17, the examiner notes that the breadth of the claim recitation ("traversing a width of a center portion") allows a reading of the raised lip of the reference to Lutz, in that no specificity regarding the term 'center portion' is set forth. As such, the longer portion of the lip traverses a center portion of the side of the block to which it is anchored. Inasmuch as the center portion of the side of the block cannot be construed to extend to the ends of the block (i.e., the center portion of an element does not comprise the entire element), the upstanding wall extends beyond the center portion of the side, to the ends of the side, and thus extends a distance greater than the width of the center portion. As such, the reference to Lutz teaches this particular limitation without requiring any combination whatsoever. As regards the reference to Roby, The reference is being utilized for the teaching that in dolly construction, it is very old and very well known to provide an internal dowel as a means for supporting a threaded fastener. The examiner has not suggested abandoning the block construction taught by Lutz, rather that the use of a dowel element inside a hollow article is well known, for providing a support which adequately accommodates a threaded fastener while allowing the remainder of the structure to be substantially hollow, thus retaining high strength while reducing weight.

**Conclusion**

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

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Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326

After Final Amendments: 703-872-9327

Customer Service Communications: 703-872-9325

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



3/14/05